

Status Hearing Re: Filing of the Account and/or Petition for Final Distribution

DOD: 10/19/87		<p>CURTIS LEE, son, was appointed Administrator with Will Annexed with bond in the amount of \$9,000.00 on 01/13/04.</p> <p>Bond was filed 02/19/04 and Letters were issued on 03/30/04.</p> <p>I & A showing the value of the estate at \$9,000.00 was filed on 03/22/04 and Reappraisal for Sale I & A filed 04/01/01 showed the value of the estate at \$13,000.00.</p> <p>On 8/29/12 the attorney of record, Darlene Kelly, was relieved as counsel.</p> <p>Minute Order from 8/29/12 the court set an Order to Show Cause hearing regarding Curtis Lee's failure to file an accounting. Curtis Lee was ordered to be personally present on 9/28/12. Counsel need not appear.</p> <p>On 9/28/12 there were no appearances.</p> <p>Minute order dated 11/16/12 states the court on its own motion removes Curtis Lee as the administrator and appoints the Public Administrator.</p> <p>Letters for Successor Administrator with Will Annexed were issued for the Public Administrator on 12/11/2012.</p> <p>The bonding company was mailed notice of Curtis Lee's removal as Administrator on 12/12/12.</p> <p>Status Report of the Public Administrator filed on 7/16/2013 states upon receiving the file Administrator and his attorney reviewed it to determine what the asset were, and what surcharge would be appropriate against the former administrator. However, upon further investigation, it appears that if Mr. Lee misappropriated any amount, it may only be \$3,000. In addition, he may be the only heir. The Public Administrator is sorting through County records to determine if there is any documentation to support his claims. Therefore the successor Administrator requests this matter be set out for 30 days, or a date convenient to the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 092812, 111612, 011813, 071913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 8/21/13
Updates:
Recommendation:
File 1 – Baker

Status Report of the Public Administrator filed on 8/5/2013 states the Public Administrator did not locate the whereabouts of the other three beneficiaries. The California Inmate Locator sited and TLO did not show anything for Billie Lee or Willie Lee.

If the Court accepts the allegations of Curtis Lee as set forth in his declaration filed on 12/2/2003, then the Court can determine that Mr. Lee is the only heir. Thus, no other person would be harmed by any purposeful or inadvertent misconduct while acting as administrator.

County Counsel confirmed Probate Referee Rick Smith that he was paid for his appraisal. Mr. Lee would still be responsible for fees owing to the Court.

If the Court does not accept Mr. Lee's allegations, the Public Administrator would need guidance from the Court to continue administering the estate.

		CAROLYN BATES-WELCH , trustee of the Cynthia Welch Special Needs Trust filed her Third Account and Report of Trustee on 05/21/13.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 080913		The Order Approving Third Account and Report of Trustee was signed 07/11/13. Pursuant to the Order, bond was to be increased from \$125,000.00 to \$250,000.00.	<u>OFF CALENDAR</u>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Pursuant to the Order, bond was to be increased from \$125,000.00 to \$250,000.00.	Increased bond filed 8-19-13
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	The Minute Order from hearing on 07/11/13 set this matter for status regarding filing the increased bond.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF	
		Reviewed on: 8-21-13 (skc)	
		Updates:	
		Recommendation:	
		File 2 – Welch	

Atty Alabart, Javier A. (for Petitioners Alfredo Banda Arriaga and Remedios Nieto Rodriguez, parents)
 Atty Fanucchi, Edward L. (for Respondent Maria Luisa Sanchez, purported spouse)
 Atty Kruthers, Heather H. (for Petitioner Public Administrator, Administrator of the Estate)

**Probate Status Hearing: Court's Ruling on Cross-Motions for Summary Judgment;
 Remaining Issues**

DOD: 5/14/2004	PUBLIC ADMINISTRATOR was appointed Administrator on 3/29/2006.	NEEDS/PROBLEMS/COMMENTS:
Conf. from 010313, 040913, 071213		
Aff.Sub.W		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/S		
Objection		
Video Rct		
CI Report		
9202		
Order		
Aff. Post		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

<p>Notes for Background:</p> <ul style="list-style-type: none"> Decedent's 1997 California Will admitted to probate for administration on 3/27/2006 identified Decedent's parents, ALFREDO BANDA ARRIAGA and REMEDIOS NIETO RODRIGUEZ, parents as the only beneficiaries of Decedent's estate; Decedent's parents were initially to be distributed by <i>Order Settling First and Final Account and Report of Administrator and Allowing Ordinary Commissions and Fees and for Distribution</i> which was signed and filed on 3/12/2007 the assets from the Decedent's estate in the amount of \$189,958.21 at 50% to each; A woman named MARIA LUISA SANCHEZ, purported spouse, asserts that she is the rightful heir of the Decedent entitled to distribution of the entire estate of Decedent; Minute Order dated 11/5/2007 from the hearing on the <i>Petition for Reconsideration of First and Final Account</i> filed by Maria Luisa Sanchez states Decedent's estate should be distributed to Sanchez, as the Court stated that it previously granted Sanchez' <i>Petition for Reconsideration of First and Final Account</i> on 10/12/2007, and that the <i>Order on First and Final Account</i> filed 3/12/2007 distributing the estate to Decedent's parents is revoked. Court also approved a preliminary distribution to Sanchez in the amount of \$103,000.00 on 11/5/2007; the <i>Receipt of Distribution</i> signed by Attorney Fanucchi was filed with the Court on 12/12/2007; PUBLIC ADMINISTRATOR'S Amended First and Final Account filed on 2/29/2012 approved on 6/25/2012 states that after payment of commissions, fees and costs in the amount of \$19,643.43, there will be \$89,703.10 to distribute upon further Court order regarding entitlement to final distribution. <p align="center">~Please see additional page~</p>	<p>Continued from 7/12/2013. <i>Minute Order</i> states the Court advises counsel that the ruling is being drafted and will include the motions for summary judgment. Matter continued to 8/23/2013 at 9:00 a.m. in Dept. 303.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 8/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 3 – Banda-Nieto</p>
--	--

Order on Petitioners' Motion to Deem Admissions Admitted; Respondent's Motion in Limine; and Parties' Letter Memoranda Regarding Issues of Law filed 5/31/2012 states in pertinent part regarding the Motions for Summary Judgment:

- Petitioner Banda-Nieto shall file a motion for summary judgment seeking to establish that Sanchez' petition for reconsideration was untimely by reason of Probate Code § 8270(a). Sanchez shall oppose the motion;
- Sanchez shall file a motion for summary judgment seeking to establish the challenged orders are not void on their faces. Petitioner Banda-Nieto shall oppose the motion.

Order on Parties' Cross-Motions for Summary Judgment filed 2/25/2013 finds, in pertinent part, that the Motion for Summary Judgment brought by Ariaga is denied; the Motion for Summary Judgment brought by Sanchez is granted. Accordingly, it now appears to the Court that only one issue remains to be tried on Ariaga's *Petition to Vacate*: whether the subject orders were the result of extrinsic fraud.

Per the Order on Parties' Cross-Motions for Summary Judgment, the parties filed briefs on the subject of what issues, if any, remain to be tried after the Court's ruling, as follows:

Petitioner's Brief on Remaining Issues to be Tried After Ruling on Cross-Motions for Summary Judgment filed 3/13/2013 by Attorney Alabart for Alfredo Banda Ariaga states, in brief sum:

- The Court found in its Order on Cross-Motion that Respondent Sanchez' Motion for Reconsideration was not untimely because:
 1. A Will contest was time barred pursuant to Probate Code § 8270(a) by the **jurisdictional** [emphasis in original] 120 day period for a Will contest;
 2. It sought only revocation of the order on First and Final Account that distributed the estate to the Petitioner and his wife for the purpose of introducing additional evidence; and
 3. The arguing of new or different facts in the Memorandum of Points and Authorities in support of the Motion that Ms. Sanchez was the spouse, or even a putative spouse, and requesting a statutory share of the estate as a "pretermitted heir" is not a Will contest;
- Mr. Ariaga presents that the issues that remain to be tried following the Court's Order are:
 1. Were the subject orders the result of extrinsic fraud;
 2. Did the Court lack jurisdiction to order a preliminary distribution to Ms. Sanchez; and
 3. What, if any, portion of the Decedent's estate is Ms. Sanchez entitled;

Extrinsic fraud and/or Mistake: Specific incidents of extrinsic fraud occurred in this case; whether these were negligent or intentional incidents, they had the effect of preventing and depriving the Petitioner of the opportunity to fully present his claim or defense to the Court, upon which he would have likely prevailed;

1. **Failure of Sanchez' Attorney to Provide Notice of the Court's 8/27/2007 Order.** The Minute Order dated 8/27/2007 does **not** [emphasis in original] specifically direct the Clerk of the Court to ensure that all persons entitled to notice receive a copy of the minute order. Pursuant to Probate Code § 1220(a), it is Ms. Sanchez' responsibility to provide notice; this is true even where the Court requires additional notice unless the Court specifies otherwise. Probate Code § 1221. As such, without specific language showing that the Court directed the Clerk of the Court to provide notice of the 8/27/2007 minute order, it was Ms. Sanchez' responsibility to provide notice to the Petitioner. Without the presumption of Evidence Code § 664, the 11/5/2007 order granting Ms. Sanchez' Motion for Reconsideration would be void on its face because proof of delivery of notice of the 8/27/2007 minute order is absent; as such, Mr. Ariaga's Petition to Vacate Prior Orders would have to be granted.

~Please see additional page~

Petitioner's Brief on Remaining Issues to be Tried filed 3/13/2013, continued:

Extrinsic fraud and/or Mistake:

2. **Sanchez' Attorney's 11/5/2007 representation that the Court had previously specifically made a finding that the Mexico decree was the valid one:** The Order granting the Motion for Reconsideration signed on 10/12/2007 contains no language about determining the validity of any Mexico order or Will. Based upon misinformation given by Ms. Sanchez' attorney at the 11/5/2007 hearing that the Mexican decree was "recognized", the Court acquiesced and stated: **"All right, we want the minute order to reflect that the Court has granted the motion for reconsideration and has ruled that the Mexican decree is the valid one of the two, is that correct?"** [*emphasis in original.*] While the Court erroneously indicated, as noted in Mr. Arriaga's *Petition to Vacate Prior Orders*, that it made a finding that the Mexico decree is the valid one, the Court has never made any finding as to what the Mexican Court actually decreed or its validity pursuant to California law.
3. **The oral preliminary distribution request made in Court by Sanchez' attorney:** Sanchez never filed a petition with the Court seeking [preliminary] distribution [*pursuant to Probate Code § 11623*]; the request for a preliminary distribution was an oral request made in Court by Ms. Sanchez' attorney; such an oral request without appropriate notice was not a matter properly before the Court for determination.
4. **Ms. Sanchez' failure to provide the Mexican Court with the names and address of the Decedent's parents:** When Ms. Sanchez filed the petition for intestate estate administration with the Mexican Court, she knew of the Petitioner's existence and his relationship to the Decedent; Ms. Sanchez also knew the Petitioner's address because she had lived in his home (See *Declaration of A. Banda*; *Declaration of R. Nieto*.) Ms. Sanchez did not provide the Mexican Court with the Petitioner's name or address as required pursuant to Mexican law; instead, she misrepresented to the Mexican Court that she was the sole heir (See *Alleged Petition for Intestate Probate, Mexico*, attached as Exhibit 145 to *Petitioner's Request for Judicial Notice No. 2.*)
5. **Petitioner's reasonable excusable extrinsic mistake resulted in a failure to litigate and defend his claim:** Petitioner in his filed declaration specifically stated that he never received any notice of the proceedings in this matter; without receiving notice of the specific proceedings, Mr. Arriaga reasonably believed he was conclusively entitled to and would receive the money from his son's estate; Mr. Arriaga knew that he and his wife were the only named beneficiaries under the 1997 California Will executed by their son and that a proceeding had been commenced whereby they were to receive the money in California pursuant to that Will; they are not sophisticated or well-educated, and were not represented by an attorney of record in this matter as is being claimed by Ms. Sanchez. As evidenced by the Letter from Alfredo Banda to Mexican Consulate at Fresno dated 1/30/2009 (attached as Exhibit 6 to Sanchez' Opposition), the Petitioner reasonably, excusably, and mistakenly believed that no further action by he and his wife was necessary other than facilitating receipt of the money; had Petitioners received **any notice of any** of the **adversarial** proceedings [*emphasis in original*], they could have immediately taken steps to protect their interests before the orders were issued; this reasonable, mistaken belief prevented Petitioner from defending his rights.

~Please see additional page~

Petitioner's Brief on Remaining Issues to be Tried filed 3/13/2013, continued:**The Court Lacked Jurisdiction to Order Preliminary Distribution to Sanchez:**

- The *Order on Parties' Cross-Motions for Summary Judgment* states: "However, it should be noted that the November 5, 2007 order could not exceed the prayer of the redistribution of the estate, the order of 10/22/2007 had already granted the motion for reconsideration." An issue to be determined is whether the Court in fact did exceed the prayer of the Motion for Reconsideration; and, if or when, was the Court moved for distribution?
- A review of the judgment roll would clearly demonstrate that at no time did Ms. Sanchez petition the Court for distribution; the request for preliminary distribution was an oral request made by Court by Ms. Sanchez' attorney; such an oral request was without appropriate notice was not a matter properly before the Court for determination, and might also be considered extrinsic fraud.

To What, if any, Portion of the Decedent's Estate is Sanchez Entitled?

- The *Order on Parties' Cross-Motions for Summary Judgment* determined that Ms. Sanchez has no right to the Decedent's estate under the alleged May 2004 Mexico Will; therefore, Ms. Sanchez' only right to recovery in this proceeding is by pleading and proving up her status and right to inherit as a pretermitted heir;
- Ms. Sanchez has the burden of proving her status and inheritance right as a pretermitted heir, which requires that she must first prove she is recognized in Mexico as a wife or a putative spouse before she can be recognized in California as a spouse or a putative spouse. To prove she was legally married in Mexico, Ms. Sanchez must have been married by the Civil Authority, and she admits she was aware of this requirement and that she and Decedent were not married before the Civil Authority;
- Ms. Sanchez has filed nothing establishing that Mexico recognizes the concept of putative spouses; Mexico **does not** [*emphasis in original*] recognize putative spouses. Because Mexico does not recognize putative spouses, Ms. Sanchez cannot claim she is a putative spouse under California law. While Mexico may recognize the inheritance rights of a concubine, California law does not, and because of this Ms. Sanchez has no status that would entitle her to any portion of the Decedent's estate as an heir of Juventino Banda Nieto, nor entitle her to inherit under the California Will. Therefore, she has no standing before this Court;
- Decedent's assets subject to the Court's jurisdiction in this matter were the separate property of Decedent; therefore, Ms. Sanchez's maximum right to inherit as a pretermitted heir, if proven under California law in this proceeding before this Court, is limited to ½ of Decedent's estate at most; considering that no fees were taken out of the portion preliminarily distributed, Ms. Sanchez has already received more than ½ of Decedent's estate assets; therefore, the Court should order that the remaining assets of the Decedent's estate be immediately distributed to Mr. Arriaga;
- As to the portion of the estate preliminarily distributed by this Court to Ms. Sanchez, the Court at a minimum should require Ms. Sanchez to return a portion of that preliminary distribution representing half of the Public Administrator's and half of the Public Administrator's Attorney's fees and commissions;
- Ms. Sanchez should also be required to post a bond equivalent to the amount of the preliminary distribution she received prior to any further litigation in this matter; any future order of distribution to Ms. Sanchez should be reduced by the proportionate share of the Public Administrator's and Public Administrator's Attorney's fees and commissions;

~Please see additional page~

Petitioner's Brief on Remaining Issues to be Tried filed 3/13/2013, continued:

- In determining to what, if any, distribution Ms. Sanchez is entitled to in this matter, this Court must also necessarily decide to what extent, if any, the subsequent orders of the Mexico court are controlling.

Conclusion

The issues remaining to be tried after the *Order on Parties' Cross-Motions for Summary Judgment* depends in part on the extent the Order resolved issues in dispute in this matter; as such, several factual issues still remain to be determined; the Petitioner has attempted to the best of his knowledge and ability to identify all of the remaining issues that still must be determined in this matter; to that extent, the remaining issues for determination by this Court are: (1) the issues discussed above, and (2) those that must be necessarily decided to resolve the identified issues. Some of the issues identified and discussed require purely legal determinations, while others require purely factual determinations; and, in some instances, factual and legal determinations by this Court.

Status Conference Brief Following Decision of Motions for Summary Judgment filed 3/12/2013 by Attorney Fanucchi for Maria Luisa Sanchez states, in brief sum:

1. **The Sanchez Orders are not void as being the product of extrinsic fraud:** extrinsic fraud exists in situations where one party has fraudulently prevented another party from presenting their claim or defense in the action; a party must show he or she had a meritorious defense, which would have been raised but for the other party's wrongful conduct, and must also establish all of the elements of fraud, which include an intentional or reckless misrepresentation and justifiable reliance on the misrepresentation by the aggrieved party; Mr. Ariaga has not made, and cannot make, the required showing.
 - **The Sanchez Orders cannot be set aside on the ground of extrinsic fraud because Mr. Ariaga had notice of Ms. Sanchez' motion and was not prevented from opposing that motion:** As previously decided by the Court in its order on the parties' cross-motions for summary adjudication, Mr. Ariaga had actual notice of Ms. Sanchez' motion that resulted in the entry of the Sanchez Orders because they were served on him at the address conclusively determined to be his address for service by the Court's order admitting the Will to probate; Mr. Ariaga has presented no evidence that Ms. Sanchez did anything to prevent him from participating in this action or from opposing her Motion for Reconsideration if he wished to do so; there is simply no showing of extrinsic fraud which would provide a basis for setting aside the Sanchez Orders for lack of notice.
 - **Failure to serve notice of entry of the Sanchez Orders does not constitute extrinsic fraud:** The position taken by Mr. Ariaga is that he has never received any notice of any proceeding or order in this action; he does not contend or present any evidence suggesting that Ms. Sanchez made any misrepresentation to him, or that he relied on any misrepresentation made to him by Ms. Sanchez; Mr. Ariaga, has not alleged, and cannot show, that his not being served with notice of entry of the Sanchez Orders constitutes extrinsic fraud that would justify setting aside the orders.

~Please see additional page~

Status Conference Brief [of Sanchez] Following Decision of Motions for Summary Judgment filed 3/12/2013, continued:

- **The alleged presentation of false or incomplete evidence as the basis for the Sanchez Orders does not constitute extrinsic fraud:** A large portion of Mr. Arriaga's petition is provocative and inflammatory rhetoric aggrandizing his claim that the Sanchez Orders are the result of an intentional conspiracy, the intentional suppression or concealment of relevant evidence and presentation of false testimony and fraudulent documents to the Court by Ms. Sanchez and her attorneys, including Mr. Fanucchi; even assuming for the sake of argument that Mr. Arriaga's outrageous claim was true, and that the Sanchez Orders were based on false and incomplete evidence, the result is still that the Sanchez Orders may not be set aside and are conclusive and binding on Mr. Arriaga; a claim that an order is the result of presentation of false evidence in the proceeding which resulted in the order is a claim of intrinsic fraud – not extrinsic fraud – and will not support setting aside the order after it has become final; since Mr. Arriaga's claims of fraud and concealment constitute, at most, a charge of intrinsic fraud, they patently do not provide a legally sufficient basis to set aside the Sanchez Orders [*emphasis in original*].
 - **Alleged legal error resulting in entry of the Sanchez Orders does not constitute extrinsic fraud:** Mr. Arriaga's petition also alleges that the Sanchez Orders are void because the Court did not correctly apply the applicable law; this allegation does not demonstrate extrinsic fraud and cannot be used to collaterally attack the Sanchez Orders; Mr. Arriaga's petition makes several allegations suggesting that the Sanchez Orders are the product of the Court's misapplication of the law; all of the allegations are impermissible collateral attacks on the Sanchez Orders based on alleged legal errors in the prior proceedings, and such alleged errors are intrinsic to the proceedings and the law expressly mandates that such attacks cannot be entertained or granted by the Court because the Sanchez Orders have been final for years;
2. **Conclusion:** The only issue of which Ms. Sanchez is aware as being left for resolution prior to disposing of Mr. Arriaga's petition is that identified by the Court – whether the Sanchez Orders may be set aside as being products of extrinsic fraud; the facts and law make it clear that this issue must be resolved against Mr. Arriaga and in favor of the validity of the Sanchez Orders. Mr. Arriaga's petition does not allege extrinsic fraud of any sort; rather, his petition alleges at most, examples of intrinsic fraud and legal error that will not support a collateral attack on the Sanchez Orders or any order by this Court setting aside the Sanchez Orders. Since Mr. Arriaga has at no time in this proceeding alleged, in his petition or any other filing, an example of extrinsic fraud that would support setting aside the Sanchez Orders, Ms. Sanchez respectfully requests the Court enter a judgment of dismissal in her favor.

Stipulation and Order to Use Certified Shorthand Reporter was filed 7/12/2013.

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)

Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)

Pro Per Manuel, Sr., Mickey (Pro Per Claimant, spouse)

Probate Status Hearing Re: Failure to file a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 10/8/1997		<p>CYNTHIA BLACKSTOCK, daughter, was appointed Executor on <u>8/26/1998</u> without bond, following objections by and litigation with MICKEY MANUEL, SR., surviving spouse, who had filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.</p> <p>Background: Court Trial on the Preliminary Injunction Restraining Foreclosure Sale Under Deed of Trust filed 11/9/2006 by Cynthia Blackstock was held on <u>11/14/2006</u>, upon which date the preliminary injunction was granted by Judge James Quaschnick.</p> <p>Minute Order dated 11/14/2006 from the hearing on the preliminary injunction ordered all defendants [MICKEY MANUEL; MONEY MAN CORP.; FORECLOSURE LINK, INC.; J.W. STONE and MILDRED STONE, Trustees; GOLDSTEIN, GELLMAN, et al; and FIRST AMERICAN TITLE INSURANCE CO.] are restrained from selling or causing to be sold the subject property either under the power of sale, deed of trust or by foreclosure. Via minute orders from each continued hearing, Court has extended the restraining order to remain in full force and effect.</p> <p>Minute Order dated 2/22/2007 from the hearing on the Complaint to Enjoin Foreclosure, for Conveyance of the Property claimed to Belong to Decedent, for Declaratory Relief; and for Damages filed by Cynthia Blackstock set a Settlement Conference on 6/5/2007. Notice of Settlement of Entire Case filed 5/31/2007 by Michael J. Lampe indicates the 6/5/2007 Settlement Conference, and a 6/19/2007 trial date.</p> <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Page 4B is the Status Hearing Re Settlement.</p> <p><u>Continued from 6/28/2013.</u></p>
Cont. from 061812, 082412, 100512, 120712, 011813, 030113, 042613, 062813			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/S		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4A- Manuel</p>	

Notes for background:

- **Minute Order dated 4/26/2013** states parties request a continuance. Matter continued to 6/28/2013. Counsel advises the Court that he should have some information on the unlawful detainer by the next hearing. Counsel is directed to submit a status report. The Court orders that the restraining order remain in full force and effect.
- **Minute Order dated 3/1/2013** states Mr. Knudson advises the Court that he reviewed the creditor's claim and he is recommending that it be rejected. He further advises that it is his intent to get a loan against the property. Mr. Knudson requests a continuance to complete the accounting. The Court directs Mr. Knudson to follow up on the tax issue. Matter is continued to 4/26/2013. The restraining order is extended to 4/26/2013.
- **Minute Order dated 1/18/2013** from the last status hearing states Mr. Knudson requests a 30-day continuance for the purpose of dealing with the unlawful detainer and other issues. Matter continued to 3/1/2013. The restraining order is extended to 3/1/2013. The Court notes for the record that this matter concluded at 9:06 a.m. after the Court asked if there was anyone else present who wished to be heard. Matter re-called at 9:21 a.m., at which time Mickey Manuel is present and addresses the Court. Mr. Manuel is informed of the continuance and advised of what occurred when the matter was initially called.
- **Petition to Confirm Title to Real Property in the Estate filed by Cynthia Blackstock, Executor, on 10/30/2012** was heard on 12/5/2012; the Petition was granted, and the *Order Confirming Title to Real Property in the Estate* signed 12/11/2012 finds in pertinent part:
 - The residence located on North Pleasant is an asset of the Estate of Wilma Ruth Manuel, and Mickey Manuel, Sr., has no interest therein;
 - The temporary restraining order entered by this Court on 10/29/2012 is extended to 2/4/2013 or until an adverse ruling is obtained in Case #12CECL05667 [unlawful detainer];
 - Mickey Manuel, Sr., the Fresno County Sheriff, and their agents, [etc.], are restrained and enjoined from executing that Writ of Possession entered 10/5/2012 in Case #12CECL05667.
- **Notice of Probate Status Hearing filed 5/7/2012** set a status hearing on 6/18/2012 for failure to file a first account or petition for final distribution. *Clerk's Certificate of Mailing* shows Cynthia Blackstock and Attorney David Knudson were mailed notice of this status hearing on 5/7/2012.
- **Status Report of Executor filed by Attorney Knudson for Cynthia Blackstock on 6/11/2012 states:**
 - Wilma Ruth Manuel's Will left her Fresno residence to two daughters, **CYNTHIA BLACKSTOCK** and **ANGELA MANUEL**, and a residence in Kent, Washington, to three grandchildren, **ALYSHA WATTS**, **TSION MULUGETA**, and **LEONARD WILLIAMS**;
 - Wilma was not married at the time of her death on 10/8/1997; she had previously been married to **A. D. MANUEL**, commonly known as, "**MICKEY MANUEL**" or "**MICKEY MANUEL, SR.**";
 - Wilma was survived by a son, **MICKEY MANUEL**, also known as "**MICKEY MANUEL**" or "**MICKEY MANUEL, JR.**;" "**MICKEY JUNIOR MANUEL**" and/or **MICKEY J. R. MANUEL**;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.;
 - Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" **MICKEY MANUEL, SR.** aka **A. D. MANUEL** is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of **\$1.00** under Wilma's Will; *Status Report* pgs. 2-3 detail long history of proceedings in this matter);
 - In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007;

Note for Background, continued:**Status Report of Executor filed 6/11/2012, continued:**

- **Present status of the estate:** Nothing further occurred in the estate proceedings until **MICKEY MANUEL, SR.**, filed an *Application for Waiver of Court Fees* in February 2009 and in September 2009, both of which were denied; on **3/27/2012**, he filed a further *Application for Waiver of Court Fees*, which was granted, and thereupon he filed his *Petition to Secure Appointment as "Successor Trustee"* for the **WILMA MANUEL FAMILY TRUST**; Cynthia Blackstock has not been given notice of the hearing on that petition;
- The North Pleasant residence is the only asset of the estate; it passes to Cynthia Blackstock under the Will since Angela Manuel is deceased; Wilma also owned a residence in Kent, Washington, of which **Mickey Manuel, Jr.**, obtained possession and fraudulently sold, taking the proceeds;
- There are no funds available to pay expenses of administration; Wilma's former attorney **EDWARD A. KENT, JR.**, had possession of some of her funds, but Mr. Kent resigned from the State Bar in 2003 with disciplinary charges pending; the plan for administration is to try to obtain a loan on the North Pleasant residence so administrative expenses can be paid.
- **Minute Order dated 6/18/2012 states** the Court advises Mr. Manuel, Sr. that he can file a creditor's claim if he wishes. The court does not guarantee that it is in a timely manner.
- **Mickey Manuel, Sr. filed on 8/23/2012 a Declaration of Mickey Manuel Sr., in Opposition to Petition for Final Distribution** [Note: a *Petition for Final Distribution* has not been filed in this matter]; Declaration alleges in brief sum that Mr. Manuel, Sr. was never divorced from the Decedent, that the Will was a forgery, and that the property was in the Decedent's Trust.
- **Minute Order dated 8/24/2012 states** Mr. Manuel was informed his creditor's claim is deficient. Matter was continued to 10/5/2012. *Creditor's Claim* filed 8/23/2012 by Mickey Manuel, Sr., indicates a claim of **\$29,000.00**, but provides no further information in support of the claim; the entirety of page two is incomplete, and there is no indication that the claim has been served on the Executor.

Note: Declaration filed by Mickey Manuel, Sr., on 9/24/2009 includes his written statement pertaining to property assets held by Wilma Manuel prior to her death in 1997, which he states were left in trust to him (her husband) at the time of her death to be handled and disposed of as he deemed suitable as Trustee of her estate.

Note: Creditor's Claim filed 12/5/2012 by MICKEY MANUEL, SR., aka A.D. MANUEL, is dated 11/15/2012 and states **\$8,513.86** is owed to him based on the following:

- Attached to the claim are receipts for payments made on property with parcel #406-172-01-S; [Note: documents attached consist of copy of 2011-2012 Fresno County Secured Property Tax Bill; copy of Abstract of Delinquent Secured Taxes or Certificate of Redemption; copy of County of Fresno Tax Collection Division letter regarding payment of delinquent taxes under an installment plan of redemption for APN 406-172-01, indicating \$90.00 installment plan fees and first payment of 20% or more of the unpaid redemption amount and any current taxes must be paid by June 30, signed by Mickey Manuel and dated 5/4/2012];
- Cynthia Blackstock owes this money; she was residing and still resides in the residence and chose not to pay property taxes for years;
- The Trust was about to lose the house but he stepped up and saved it;
- Once it is settled that the home is back in the Trust, and now that the home is already back in his name in the Trust, he will take care of the taxes from now on;

~Please see additional page~

Notes for Background, continued:

Creditor's Claim filed 12/5/2012 by MICKEY MANUEL, SR., aka A.D. MANUEL, continued:

- This creditor's claim is in no way a settlement of what Cynthia owes the Trust; he is still pursuing the assets from Wilma's life insurance policy, which he was the beneficiary of, and all assets that have not been accounted for;
- Wilma and he were never divorced; enclosed you will find a copy of the marriage license [*Note: copy of marriage license is not attached to claim.*]
- Explanation of money owed totaling **\$8,513.86**:
 - **\$4,839.86** – 20% of taxes owed had to be paid
 - **\$3,184.00** – current year taxes for 2011
 - **\$400.00** – one month that he paid
 - **\$90.00** – start-up fee.

Note Re Creditor's Claim filed by Mickey Manuel, Sr. on 12/5/2012: *Rejection of Creditor's Claim* was filed 8/5/2013 showing the claim of Mickey Manuel, Sr., in the amount of **\$8,513.86** is rejected in full by the Executor. *Proof of Mailing* portion of the *Rejection* shows service to Mickey Manuel, Sr. on 7/17/2013.

Atty Knudson, David N., sole practitioner (for Cynthia Blackstock, Executor)

Atty Lampe, Michael J., sole practitioner of Visalia (for J.W. Stone and Mildred Stone; and The Money Man Corp.)

Pro Per Manuel, Sr., Mickey (Surviving Spouse, Claimant)

Status Hearing Re: Settlement

DOD: 10/8/1997		<p>CYNTHIA BLACKSTOCK, daughter, was appointed Executor on 8/26/1998 without bond, following objections by and litigation with MICKEY MANUEL, SR., surviving spouse, who had filed a Will Contest on 6/3/1998, objecting to the validity of Decedent's estate planning documents.</p> <p>Minute Order dated 4/26/2013 from the last hearing in this matter states parties request a continuance. Matter continued to 6/28/2013. Counsel advises the Court that he should have some information on the unlawful detainer by the next hearing. Counsel is directed to submit a status report. The Court orders that the restraining order remain in full force and effect.</p> <p>Court set a Status Hearing Re Settlement on 6/28/2013. Court continued the Status Hearing to 8/23/2013.</p> <p>Status Report of Executor filed 6/26/2013 states:</p> <ul style="list-style-type: none"> WILMA RUTH MANUEL died 10/8/1997 and her Will left her Fresno residence to two daughters, CYNTHIA BLACKSTOCK and ANGELA MANUEL, and her residence in Kent, Washington to 3 grandchildren, ALYSHA WATTS, TSION MULUGETA and LEONARD WILLIAMS; Wilma was not married at the time of her death; she had previously been married to A. D. MANUEL, commonly known as "Mickey Manuel," or "Mickey Manuel, Sr."; Wilma was survived by a son, MICKEY MANUEL, also known as "MICKEY MANUEL" or "MICKEY MANUEL, JR.;" "MICKEY JUNIOR MANUEL" and/or MICKEY J. R. MANUEL;" Mickey Manuel, Jr., sometimes also poses as Mickey Manuel, Sr.; Cynthia (Executor) believes the petition filed in this proceeding was actually filed by Mickey Manuel, Jr., even though it is signed "Mickey Manuel, Sr.;" MICKEY MANUEL, SR. aka A. D. MANUEL is not a beneficiary under Wilma's Will; Mickey Manuel, Jr. is disinherited with a gift of \$1.00 under Wilma's Will; <i>Status Report</i> pgs. 2-3 detail long history of proceedings in this matter); <p align="center">~Please see additional page~</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 6/28/2013.</u></p>
Cont. from 062813			
Aff.Sub.Wit.			
Verified			
Inventory			
Status Rep.			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: LEG</p> <p>Reviewed on: 8/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4B – Manuel</p>	

Status Report of Executor filed 6/26/2013, continued:

- In 2006, it was discovered that **MICKEY MANUEL, JR.**, had forged Wilma's signature against the North Pleasant property, the only asset of the estate, and obtained a loan secured by Deed of Trust against the North Pleasant residence; a petition was filed to obtain a restraining order to prevent the foreclosure, and on 11/14/2006, Judge Quashnick entered a preliminary injunction prohibiting the trustee to the Deed of Trust from foreclosing on the property; subsequently, the matter was settled and a *Notice of Settlement* was filed on 6/21/2007.
- **Recent Actions:**
 - In 2012, Mickey Manuel, Sr., filed once again a petition seeking confirmation of the purported trust, in companion Case #12CEPR00408; after various hearings, that petition was dismissed without prejudice; Mickey Manuel also filed an unlawful detainer action and obtained a writ of possession for the North Pleasant residence;
 - On 10/29/2012, the Court entered an order restraining the writ of possession;
 - Following a hearing on 12/5/2012, the Court entered an *Order Confirming Title to Real Property as an Asset of the Estate*, in which it determined that the Pleasant Avenue residence was an asset of the estate, and Mickey Manuel, Sr., had no interest in it;
- **Status of the Estate:** At other status hearings, the Court directed counsel to respond to issues regarding:
 1. Funds held by Edward A. Kent, former attorney for Wilma Manuel. In response to a letter directed to Edward A. Kent, the undersigned (Attorney Knudson) received a response, acknowledging the funds were still being held (*copy attached as Exhibit A*); by Court order entered 3/29/1999, Mr. Kent was to hold the funds amidst competing claims that were (then) being asserted by Mickey Manuel, Jr., Mickey Manuel, Sr., and the estate, pending issuance of an order by a court of competent jurisdiction to turn over those funds; the estate will be filing an ex parte petition to have those funds turned over to the estate; information provided to the estate at the time of filing the petitions in 1999 indicated that the funds had a value of **~\$41,500.00**.
 2. Settlement of the litigation concerning J. W. Stone and Mildred Stone, the deed of trust forged by Mickey Manuel, Jr. The deed of trust which was determined to be a forgery had been issued to J.W. Stone and Mildred Stone, Trustees of the J. W. Stone Koegh Profit Sharing Plan #001; the Stone defendants were represented in the suit by Michael J. Lampe; the undersigned is informed and believes that counsel was retained on behalf of the Stone defendants by First American Title Insurance Company, which had issued title insurance on the transaction; subsequently, the Stone defendants assigned their interest in the deed of trust to First American Title Insurance Company; in response to the undersigned's request, a letter was received from Michael P. Smith [*of the Law Offices of Michael J. Lampe of Visalia, representing J. W. Stone and Mildred Stone*] (*copy attached as Exhibit B*); in a conversation with Mr. Smith, he indicated that the present beneficiary, First American Title Insurance Company, recognized the invalidity of the deed of trust, and would take no action on it; it is anticipated that First American will release any beneficiary interest under said deed of trust.

~Please see additional page~

Status of the Estate, continued:

3. The status of the real property. The North Pleasant residence is the only asset of the estate recovered to date; it passes to Cynthia Blackstock under the Will, since Angela Manuel is deceased; Partial Inventory and Appraisal No. 1 filed 1/14/2000 showed a value of **\$190,000.00** for the residence; an accounting would show the residence still on hand; there have been no estate transactions, since the estate has never had any liquid assets; the expenses of the residence have been paid by Cynthia Blackstock.
4. Unlawful Detainer Proceedings. A motion to dismiss the unlawful detainer action is set for **8/12/2013**.

Continued Administration: It is respectfully requested that administration of the estate continue in order to recover funds held by Edward A. Kent, Jr., and to dismiss the unlawful detainer proceedings; the Executrix continues to seek a loan on the property in order to pay expenses of administration and to close the estate, distributing the property under the will subject to said loan.

DOD: 9-18-07		<p>LAURA E. DOZIER, spouse, was appointed Administrator with Full IAEA, without bond on 02/04/08. Letters of Administration were issued on 02/04/08.</p> <p>I&A Partial No. 1 filed 12/02/08 reflects \$333,000.00 including real property in Madera County.</p> <p>I&A Final filed 12/02/08 reflects \$317,750.00 including real property in Fresno County and various vehicles. (Total I&A: \$647,750)</p> <p>On 3-15-12, a Notice of Pendency of Action was filed stating that a Complaint for Money Due has been filed in 12CECG00823 MWA to recover money lent to the Decedent.</p> <p>Upon receipt of the Notice of Pendency of Action, the Court set status hearing for 6-20-12 for failure to file a first account or petition for final distribution.</p> <p>At hearing on 6-20-12, the Court set status conference on 7-27-12 and ordered Ms. Dozier to be personally present. Attorney Knudson provided an address for her.</p> <p>Status Report filed 7-19-12 stated that until the Madera County property is sold, there will not be any funds to pay creditors or make distribution, and it is anticipated that with the gradually improving real estate market, it may be possible to sell. Ms. Dozier requested that the administration be allowed to continue.</p> <p>At hearing on 7-27-12, Counsel advised that the property consists of 40 acres of undeveloped property in the Coarsegold area, which was appraised at \$333,000, but is worth less. The Court set further status hearing for 11-30-12.</p> <p>At hearing on 11-30-12, OSC was set for 1-22-13 re Laure E. Dozier's failure to communicate with counsel.</p> <p>At hearing on 1-22-13, Ms. Dozier was present and the OSC was dismissed. Mr. Knudson requested continuance. The Court ordered Ms. Dozier and Mr. Knudson to be personally present at the continued hearing on 3-26-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 11-30-12: Counsel informs the Court that he may have to withdraw as he is not getting any cooperation from his client who is not responding to any telephone calls or letters. The Court accepts counsel's representation that the lack of cooperation from his client is impairing his ability to move forward with this matter. The Court sets the matter for an Order to Show Cause on 1/22/13 regarding Laura Dozier's failure to fulfill responsibilities of administration; failure to communicate with counsel; failure to fulfill duties to beneficiaries, and imposition of sanctions in the amount of \$200.00. The Court orders Laura Dozier to be present on 1/22/13. Continued to 1-22-13 at 9am in Dept 303. Set on 1-22-13 at 9am in Dept 303 for Order to Show Cause Re: Failure to Fulfill Responsibilities of Administration; Failure to Communicate with Counsel; Failure to Fulfill Duties to Beneficiaries; Imposition of Sanctions in the Amount of \$200.00.</p> <p>Minute Order 1-22-13: Mr. Knudson advises the Court that he still needs additional information from Laura Dozier. He further advises that there is a creditor's claim from Fresno County Federal Credit Union. Mr. Knudson requests a continuance. Matter continued to 3/26/13. The Court orders Laura Dozier and David Knudson to be personally present on 3/26/13. Laura Dozier provides the following contact information to the Court: 1423 Griffith Wy, 93705; telephone # 477-9623. Continued to 3/26/13. OSC is dismissed.</p> <ol style="list-style-type: none"> Need first account or petition for final distribution, or verified status report. The Court may require notice of further status hearings on the parties that have requested special notice of these proceedings. <p>Additional Notes: Creditor's claims of Fresno County Federal Credit Union, Citibank and American Ambulance have been filed in this matter. A request for Special Notice has been filed by Sandra Dozier & Fresno County Federal Credit Union.</p> <p>Reviewed by: skc</p> <p>Reviewed on: 8-21-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Dozier</p>
Cont. from 062012, 072712, 113012, 012213, 032613, 050713, 062513			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

DOD: 3/8/2006	ARACELI SOTO GOMEZ was appointed Administrator without bond with full IAEA authority on 7/27/2009.	NEEDS/PROBLEMS/COMMENTS:
	Letters issued on 7/27/2009.	<u>Continued from 11-9-12, 12-14-12, 2-1-13, 3-15-13, 4-19-13, 5-31-13, 7-19-13</u>
Cont. from 110912, 121412, 020113, 031513, 041913, 053113, 071913	Inventory and appraisal was due 12/27/2009.	Minute Order 7-19-13: Mr. Cross informs the Court that the title issue should be taken care of shortly.
Aff.Sub.Wit.	First Account or Petition for Final Distribution was due 7/27/2010.	(As of 8-21-13, nothing further has been filed.)
Verified	I&A filed 12-4-12 reflects a total estate value of \$68,035.00 consisting of a 1/3 interest in real property, various personal property items, and three vehicles.	1. Need first account or petition for final distribution or current written status report.
Inventory	Status Report filed 12-12-12 states Attorney Cross has only a few days ago learned of a title problem which he is in the process of addressing.	Note: Declaration filed 12-12-12 indicated that Mr. Cross intended to request a corrected judgment of dissolution in the old family law case; however, Court records do not indicate that any request has been made. At this point, what steps have been taken to correct the title issue?
PTC	Apparently after the decedent's divorce in 1983, the decedent was awarded the property; however, because the judgment does not contain a full property description or even the APN, there is no record of transfer to the decedent alone. It appears application will need to be made in the dissolution action to either modify the judgment or have the clerk sign a deed conveying title in accordance with the judgment. Attorney Cross is unable to attend the hearing on time, and requests the matter be trailed, or preferably, continued to any date between Jan 15-Feb 15, 2013.	Update: Status Report filed 7-18-13 states clearance of title has not yet been completed and requests continuance of 4 weeks, but does not provide further details.
Not.Cred.		Reviewed by: skc
Notice of Hrg		Reviewed on: 8-21-13
Aff.Mail		Updates:
Aff.Pub.		Recommendation:
Sp.Ntc.		File 6 - Soto
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	Status Report (unverified) filed 3-14-13 requests continuance to at least 4-19-13 because clearance of title has not yet been completed.	
Aff. Posting	Status Report (unverified) filed 4-18-13 requests continuance to a date on or after 5-29-13 due to unexpected delays in clearance of title.	
Status Rpt	Status Report (unverified) filed 5-30-13 states clearance of title to the 1/3 interest in real property has still not yet been completed. Attorney Cross requested four weeks. Matter continued to 7-19-13.	
UCCJEA		
Citation		
FTB Notice	As of 7-16-13, nothing further has been filed.	

DOD: 8-29-08		<p>DIANE PICKERING was appointed Executor with Full IAEA without bond and Letters issued on 1-13-09.</p> <p>On 1-26-12, the Court set status hearing for failure to file a First Account or Petition for Final Distribution.</p> <p>Minute Order 3-14-12: Counsel advises the Court that there is an insurance issue that he is trying to resolve.</p> <p>Minute Order 5-2-12: Matter continued to 6-20-12. Counsel is directed to file the required items by 6-20-12.</p> <p>Minute Order 6-20-12: Matter set for status on 9-21-12.</p> <p>Minute Order 9-21-12: No appearances. The Court sets the matter for an Order to Show Cause regarding failure to appear and imposition of sanctions in the amount of \$450.00. Sheldon Feigel is ordered to be personally present on 9-28-12.</p> <p>Minute Order 9-28-12: Counsel advises the Court that he is waiting on the assets from the estate. The Order to Show Cause is dismissed.</p> <p>Minute Order 3-15-13: Counsel informs the Court that they may be administering this matter outside of Probate. Counsel requests a two month continuance.</p> <p>Minute Order 5-17-13: No appearances. The Court sets the matter for an Order to Show Cause on 7/12/13 regarding Sheldon Feigel's failure to appear and imposition of sanctions in the amount of \$500.00. The Court orders Sheldon Feigel and Diane Pickering to be personally present on 7/12/13. The Court indicates for the minute order that it will be addressing the issue of removing Diane Pickering as executor at the next hearing. Continued to 7/12/13 @ 9:00 a.m. Dept. 303; Set on 7/12/13 @ 9:00 a.m. Dept. 303 for: Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00.</p> <p>A copy of the minute order and Order to show Cause was mailed to Mr. Feigel and Ms. Pickering on 5-21-13.</p> <p>On 6-27-13, Attorney Feigel filed an ex parte petition to change the hearing date because he would be out of town on the continued date. The Court granted the request and continued the matter to 8-9-13. <u>However, the ex parte request did not provide the status of the estate, and nothing further has been filed.</u></p> <p>On 8-9-13, Counsel informed the Court that the accounting will be filed in the next two weeks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note: Executor was appointed in January 2009 (over four years ago). This is the 9th status hearing regarding failure to file I&A and account.</u></p> <p>The original petition indicated an estimated estate value of \$130,000.00 in personal property (<i>nature unknown, as I&A has not been filed</i>).</p> <p>Decedent's will devises the entire estate to The Mildred Pearl Rancilio Living Trust.</p> <p><u>The following issues remain:</u></p> <ol style="list-style-type: none"> 1. Need Inventory and Appraisal. 2. Need First Account Current or Petition for Final Distribution pursuant to Probate Code §12200. 3. A Request for Special Notice was filed 4-29-13 by Mary Catherine Cooper, beneficiary of the trust. Any further hearings must be properly noticed by the Executor per Probate Code §1252.
Cont. from 031412, 050212, 062012, 092112, 092812, 031513, 051713, 080913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 8-21-13

Updates:

Recommendation:

File 7A - Rancilio

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

DOD: 8-29-08		<p>DIANE PICKERING, a family friend, was appointed Executor with Full IAEA without bond and Letters issued on 1-13-09.</p> <p>Inventory and Appraisal was due in May 2009.</p> <p>First Account or Petition for Final Distribution was due in May 2010.</p> <p><i>No status report has ever been filed; however, the minute orders reflect various updates from the attorney over the course of the past year. See Page 1A.</i></p> <p>After numerous hearings re: failure to file I&A or First Account or Petition for Final Distribution, or any other status report pursuant to Local Rule 7.5, including various dates where there were no appearances (See Page 1A), the Court set this Order to Show Cause for imposition of sanctions in the amount of \$500.00 and possible removal of the Executor.</p> <p><u>Note:</u> The continued status hearing and this OSC were both originally set for 7-12-13; however, pursuant to Attorney Feigel's ex parte request, the date was changed to 8-9-13. A copy of the order on the ex parte request was mailed to Attorney Feigel.</p> <p>As of 8-21-13, nothing further has been filed.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 080913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Status Hearing Re: Receipt of Blocked Account

DOD: 06/02/11		<p>TONI RICHARDSON, daughter, was appointed Administrator with Limited Authority and without on 02/16/12. Letters of Administration were issued on 02/22/12.</p> <p>Order Confirming Sale of Real Property was filed 05/21/13. Minute Order from hearing on 05/21/13 states (in relevant part): The Court orders that the proceeds be placed into a blocked account. And set this matter for status regarding Receipt for the Deposit of Money into Blocked Account.</p> <p>Declaration of Toni Richardson Confirming Sale of Real Property and Receipt of Proceeds into Blocked account filed 07/19/13 states: that the proceeds from the sale of real property were deposited with Educational Employees Credit Union.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 07/19/13</u></p> <ol style="list-style-type: none">1. Administrator has attached a deposit slip showing the deposit of funds from the sale proceeds into an account at EECU; however, there is nothing on the receipt that verifies that the monies were placed in to a blocked account.2. Need Receipt for funds deposited into a blocked account (Judicial Council Form MC-356). <p>Note: No Order to Deposit Money into Blocked Account has been submitted to or signed by the Court.</p>
Cont. from 071913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: JF	
		Reviewed on: 08/21/13	
		Updates:	
		Recommendation:	
		File 8A – Bonham	

8A

Filing of the Final Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<u>OFF CALENDAR</u> Final Inventory & Appraisal filed 07/19/13
		Reviewed by: JF
		Reviewed on: 08/21/13
		Updates:
		Recommendation:
		File 8B – Bonham

8B

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution (Prob. C. 12200, et seq.)

DOD: 7/25/2011	<p>DAVID DAVIS, son, was appointed Administrator with full IAEA authority and without bond on 1/11/2012. On 3/22/13 the Court removed DAVID DAVIS and appointed the PUBLIC ADMINISTRATOR.</p> <p>Inventory and appraisal shows an estate valued at \$325,344.45 (of which \$291,344.45 was cash)</p> <p>Creditor's Claims filed as follows:</p> <table> <tr> <td>Franchise Tax Board -</td> <td>\$ 9,769.87</td> </tr> <tr> <td>American Express -</td> <td>\$ 6,892.33</td> </tr> <tr> <td>American Express -</td> <td>\$ 999.45</td> </tr> <tr> <td>DMC Services -</td> <td>\$ 352.56</td> </tr> <tr> <td>DMC Services -</td> <td>\$ 604.60</td> </tr> <tr> <td>GE Capital Bank -</td> <td>\$ 300.84</td> </tr> <tr> <td>CitiBank -</td> <td>\$ 7,071.24</td> </tr> <tr> <td>Bank of America -</td> <td>\$ 877.11</td> </tr> <tr> <td>Total</td> <td>\$26,868.00</td> </tr> </table> <p>Notice of Status Hearing was mailed to Attorney Gary Motsenbocker and Administrator David Davis on 11/15/13.</p> <p>Administrator, David Davis, was formerly represented by Gary Motsenbocker. Mr. Motsebocker filed a Motion to be Relieved as Counsel on 11/7/12. Stating he had difficulties communicating with the Administrator. The Administrator was refusing to provide information requested by counsel necessary to bring the matter to a conclusion. On 1/2/13 and order was signed granting Mr. Motsenbockers Motion to be Relieved as Counsel.</p> <p>Minute Order dated 1/2/13 ordered David Davis to be personally present at the status hearing on 3/22/13.</p> <p>A copy of the Minute Order dated 1/2/13 was mailed to David Davis on 1/8/13.</p> <p>Minute Order dated 3/22/13 states the court on its own motion removes David Davis as Administrator and appoints the Public Administrator.</p> <p>Please see additional page</p>	Franchise Tax Board -	\$ 9,769.87	American Express -	\$ 6,892.33	American Express -	\$ 999.45	DMC Services -	\$ 352.56	DMC Services -	\$ 604.60	GE Capital Bank -	\$ 300.84	CitiBank -	\$ 7,071.24	Bank of America -	\$ 877.11	Total	\$26,868.00	<p>NEEDS/PROBLEMS/ COMMENTS:</p> <p>Minute order dated 6/21/13 set an OSC and ordered David Davis to be personally present on 7/19/13. (Please see page 9B). On 7/19/2013 Mr. Davis did not appear and the matter was continued to 8/23/2013.</p>
Franchise Tax Board -		\$ 9,769.87																		
American Express -		\$ 6,892.33																		
American Express -		\$ 999.45																		
DMC Services -		\$ 352.56																		
DMC Services -		\$ 604.60																		
GE Capital Bank -		\$ 300.84																		
CitiBank -		\$ 7,071.24																		
Bank of America -		\$ 877.11																		
Total		\$26,868.00																		
Cont. from 032213, 062113, 071913																				
Aff.Sub.Wit.																				
Verified																				
Inventory																				
PTC																				
Not.Cred.																				
Notice of Hrg																				
Aff.Mail																				
Aff.Pub.																				
Sp.Ntc.																				
Pers.Serv.																				
Conf. Screen																				
Letters																				
Duties/Supp																				
Objections																				
Video Receipt																				
CI Report																				
9202																				
Order																				
Aff. Posting																				
Status Rpt																				
UCCJEA																				
Citation																				
FTB Notice																				

Reviewed by: KT
Reviewed on: 8/21/13
Updates:
Recommendation:
File 9A - Davis

Status Report of the Public Administrator filed on 6/14/13 states Deputy Public Administrator Noe Jimenez repeatedly tried to reach David Davis (former Administrator) by telephone. He left messages with a woman who informed him that Mr. Davis was not in and that she would leave messages for him to call. However, Mr. Davis failed to call.

On 4/23/13, Deputy Jimenez mailed a letter to Mr. Davis via certified mail. In the letter, Deputy Jimenez discussed the eight outstanding creditor's claims, the status of the assets listed on the inventory and appraisal filed by Mr. Davis and whether taxes for the estate had been paid. To date, no response to the letter has been received. Deputy Jimenez has also continued to try to reach Mr. Davis by telephone with no success. When no response was received Deputy Jimenez allowed the eight creditor's claims. However with no assets being turned over to the Public Administrator, the claims cannot be paid.

In light of the lack of cooperation from David Davis, the Public Administrator requests instructions from the Court.

Note to Judge: Former Personal Representative, David Davis, is a resident of Port Orchard, Washington.

**Order to Show Cause Re: Failure to Turn Over Assets to the Public Administrator
and Imposition of Sanctions in the Amount of \$500.00**

DOD: 7/25/2011		<p>DAVID DAVIS, son, was appointed Administrator with full IAEA authority and without bond on 1/11/2012. On 3/22/13 the Court removed DAVID DAVIS and appointed the PUBLIC ADMINISTRATOR.</p> <p>Status Report of the Public Administrator filed on 6/14/13 states Deputy Public Administrator Noe Jimenez repeatedly tried to reach David Davis (former Administrator) by telephone. He left messages with a woman who informed him that Mr. Davis was not in and that she would leave messages for him to call. However, Mr. Davis failed to call.</p> <p>On 4/23/13, Deputy Jimenez mailed a letter to Mr. Davis via certified mail. In the letter, Deputy Jimenez discussed the eight outstanding creditor's claims, the status of the assets listed on the inventory and appraisal filed by Mr. Davis and whether taxes for the estate had been paid. To date, no response to the letter has been received. Deputy Jimenez has also continued to try to reach Mr. Davis by telephone with no success. When no response was received Deputy Jimenez allowed the eight creditor's claims. However with no assets being turned over to the Public Administrator, the claims cannot be paid.</p> <p>Minute order dated 6/21/2013 states the Court sets an Order to Show Cause on 7/19/2013 regarding David Davis' failure to turn over assets to the Public Administrator and imposition of sanctions in the amount of \$500.00. the court orders David Davis to be personally present on 7/19/2013.</p> <p>Order to Show Cause was mailed to David Davis on 6/21/2013.</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from 071913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Status Hearing

Gavin (8)		TEMP (PERSON ONLY) EXPIRES 6-27-13	NEEDS/PROBLEMS/COMMENTS:
			<u>Status continued from 6-27-13.</u>
		DIANA KATIGBAK and RICHARD VAGER , paternal aunt and uncle, filed petitions for temporary and general guardianship of the person and estate for Aiyana (6) and Gavin Katigbak (9) on 4-26-12. Petitioners estimated that each minor's estate consists of approx. \$500,000.00 in personal property and real property.	<u>Minute Order 6-27-13:</u> The Court notes there is no appearance by Mr. Hollingsworth or Mother. Ms. Hopper states Mr. Hollingsworth concern about termination date. Ms. Hopper is to provide letter brief Re: issue of Enforcement of signed mediation agreement by law enforcement when guardianship is terminated. No fee required for filing. The Court signed mediation agreement. Temporary Letters extended to 8/23/13. Note: As of 8-20-13, nothing further has been filed.
Cont. from 062713		Temporary guardianship of the person only was granted on an ex parte basis on 4-26-12.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	At hearing on 5-8-12, the matter was set for trial and temporary guardianship (person only) was extended to 7-11-12.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	At trial on 7-11-12, the parties reached a settlement agreement and the matter was set for a review hearing on 1-16-13 with the understanding that if the mother is in compliance with the agreement, the petition will be dismissed. Temporary guardianship (person only) was extended to 1-16-13.	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	X	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	On 1-16-13, the Court set further trial on 3-11-13 and extended the temporary guardianship to 3-11-13. Minute Order 3-11-13: The Court and all counsel convene in chambers for further discussions. Mr. Hollingsworth informs the Court that they are in accord with the mediation agreement. The Court notes for the minute order that the parties have another mediation appointment scheduled with Mr. Fischer on 6/18/13. The Court sets the matter for Status Hearing on 6/27/13. The temporary is extended to 6/27/13. Set on 6/27/13 for Status Hearing. Temporary Guardianship Letters extended to 6/27/13.	
			Reviewed by: skc
			Reviewed on: 8-21-13
			Updates:
			Recommendation:
			File 11 – Katigbak

DOD: 6/15/2012 Cont. from 060713, 080913	<p>ESPERANZA S. BOOKE was appointed as Administrator with full IAEA authority and without bond on 1/9/2013.</p> <p>Letters issued on 1/16/2013.</p> <p>Minute order dated 1/9/2013 set this status hearing for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>																																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 100px;">Aff.Sub.Wit.</td><td style="width: 50px;"></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on: 8/21/13</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 12 – Salinas</td></tr> </table>	Reviewed by: KT	Reviewed on: 8/21/13	Updates:	Recommendation:	File 12 – Salinas
Aff.Sub.Wit.																																																					
Verified																																																					
Inventory																																																					
PTC																																																					
Not.Cred.																																																					
Notice of Hrg																																																					
Aff.Mail																																																					
Aff.Pub.																																																					
Sp.Ntc.																																																					
Pers.Serv.																																																					
Conf. Screen																																																					
Letters																																																					
Duties/Supp																																																					
Objections																																																					
Video Receipt																																																					
CI Report																																																					
9202																																																					
Order																																																					
Aff. Posting																																																					
Status Rpt																																																					
UCCJEA																																																					
Citation																																																					
FTB Notice																																																					
Reviewed by: KT																																																					
Reviewed on: 8/21/13																																																					
Updates:																																																					
Recommendation:																																																					
File 12 – Salinas																																																					

DOD: 4/14/2012		<p>SANTOS PEREZ was appointed Administrator with full IAEA authority and bond set at \$78,000.00 on 1/10/2013.</p> <p>Bond was filed on 6/18/2013.</p> <p>Letters issued 6/18/2013.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Inventory and appraisal filed on 7/24/2013.</p>
Cont. from 060713, 071913			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT
Reviewed on: 8/21/2013
Updates:
Recommendation:
File 13 – Gonzalez

Petition for Payment of Attorney's Fees

			NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8-21-13
			Updates:
			Recommendation:
			File 3A – Cavin

Status Hearing Re: Filing of the Petition for Appointment of Successor Conservator

			NEEDS/PROBLEMS/COMMENTS:
			<u>OFF CALENDAR</u>
			A Petition for Appointment of Successor Probate Conservator of the Person and Estate was filed 8-14-13 by the Public Guardian.
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Probate Status Hearing Re: Status of Administration; Filing of an Account or Petition
for Final Distribution

DOD: 02/26/01		<p>ANNA N. FOSTER, daughter/Administrator with limited IAEA with bond of \$100,000, is petitioner. Letters issued 5/11/2007.</p> <p>Background:</p> <ul style="list-style-type: none"> Sole asset of estate is real property located in Fresno. The value of the real property at the date of death was \$65,000.00. Decedent died intestate, survived by five children who are now living, and the living issue of two children who are now deceased. Since decedent's death, Petitioner has advanced funds for property taxes and homeowner's insurance. Department of Health Services filed a creditor's claim for \$17,181.64, which was allowed by Petitioner on 10/30/07. <p>There is no cash in estate to pay creditor's claim or to reimburse Petitioner for advanced funds.</p> <p>Order Confirming Sale of Real Property was entered 03/05/13.</p> <p>Status Report filed 06/11/13 states: The sole asset of the estate was sold for \$51,000.00. Prior to escrow closing, it was discovered that a \$12,000.00 Deed of Trust was recorded on the property in 1981. The Administrator was unable to locate the holders of the Deed of Trust. In accordance with Probate Code § 10362, Administrator sought and obtained an Ex Parte order authorizing the sale of the Property free and clear of the Deed of Trust and requiring the net proceeds of the sale be impounded with the Court. The Property sustained significant damage when it was vacated for the final walk through. The Buyers wrote a counter-offer at a reduced price of \$45,000.00, which the Administrator rejected and the sale went through for \$51,000.00. The net proceeds of the sale have been impounded with the Court pending resolution of the Deed of Trust issue. Administrator will be filing a Petition seeking a determination that the entire net proceeds are property of the Estate. Administrator also anticipates seeking an Ex Parte order authorizing notice by publication as it is unlikely all heirs of the original holders of the Deed of Trust will be able to be located. Upon resolution of the Deed of Trust issue, Administrator will prepare and file her First and Final Account and take the requisite steps to close the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/21/13</u> Minute Order from 06/21/13 states: Mr. Janisse informs the Court that the verification has been sent to his client and they are waiting for its return. The matter is continued to 08/23/13. The Court directs Mr. Janisse to file a status report before the next hearing.</p> <p>1. Need updated Status Report.</p>
Cont. from 011813, 032213, 062113			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 08/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 - Foster</p>	

Age: 9		MARIA ALVAREZ-GARCIA , Maternal Grandmother, is Trustee.	NEEDS/PROBLEMS/COMMENTS:
DOB: 10-31-03			
		The First account was settled on 1-23-12. At hearing on 1-23-12, the Court set this status hearing for the filing of the next account.	<u>Minute Order 7-23-13:</u> Ms. Walters requests a continuance to complete the accounting.
Cont. from 072313		At hearing 7-23-13, Ms. Walters requested continuance.	1. Need second account current.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Note: There is an upcoming continued hearing on 8-28-13 regarding withdrawal of funds from the minor's special needs trust for a kitchen remodel.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		Reviewed by: skc
<input type="checkbox"/>	Order	Reviewed on: 8-21-13	
<input type="checkbox"/>	Aff. Posting	Updates:	
<input type="checkbox"/>	Status Rpt	Recommendation:	
<input type="checkbox"/>	UCC/JEA	File 17 - Carbajal	
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 4-4-12	LOUIS WAYNE WIEBE, Son, was appointed Executor with Full IAEA without bond and Letters issued on 6-25-12.	NEEDS/PROBLEMS/COMMENTS: Note: L&A filed 11-27-12 indicates a total estate value of \$208,915.73 consisting of cash and various real and personal property. Note: There are four (4) separate creditor's claims filed in this estate. 1. Need first account or petition for final distribution or written status report per local rules. 2. Need proof of service of Notice of Hearing on Wells Fargo Card Services per Request for Special Notice filed 6-5-12.
	On 6-25-13, the Court set this status hearing for the filing of the first account or petition for final distribution.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 8-21-13
		Updates:
		Recommendation:
		File 18 – Wiebe

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 09/07/12		<p>MICHELE R. CURLEY, daughter, was appointed Administrator with full IAEA and bond in the amount of \$30,000.00 on 11/07/12.</p> <p>Letters of Administration were issued on 01/22/13.</p> <p>Minute Order from 04/05/13 set this matter for status re filing of the Inventory & Appraisal.</p> <p>Status Conference Statement filed 08/20/13 states: the Administrator has been working with her brother, who has possession of the real property asset of the estate. The brother stopped making payments on the home and the Administrator has started making payments from her own funds. The mortgage payments on the property are up to date. The Administrator has now determined that the sale of the property will be necessary. The Administrator has determined that there is one bank account that is an estate asset and the only other assets are the real property and two vehicles. The Administrator is forwarding information to complete the Inventory & Appraisal forms to her attorney. It is anticipated that the Inventory & Appraisal will be sent to the probate referee within the next two weeks.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 06/14/13</u></p> <p>1. Need Inventory & Appraisal.</p>
Cont. from 061413			
Aff.Sub.Wit.			
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 08/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 19 - Martinez</p>	

Atty Durost, Linda K., sole practitioner (for Manuel Rojas, Administrator)

Probate Status Hearing Re: Filing of Bond and Issuance of New Letters

DOD: 12/19/2012		<p>MANUEL ROJAS, brother, was appointed Administrator with Full IAEA authority without bond on 2/14/2013. Letters issued on 2/20/2013.</p> <p>Order on Ex Parte Petition to Amend Petition for Probate filed 7/23/2013 finds due to the inability of the Administrator to obtain waivers of bond from all intestate heirs to the estate, that bond shall be issued in the amount of \$315,000.00.</p> <p>Amended Order for Probate was filed 7/23/2013. Letters issued on 2/20/3013 were revoked on 7/23/2013.</p> <p>Notice of Status Hearing filed 7/25/2013 set this status hearing on 8/23/2013 for filing of bond and issuance of new letters. Clerk's Certificate of Mailing filed 7/25/2013 shows notice of this status hearing was mailed to Attorney Durost on 7/25/2013.</p> <p>Order on Ex Parte Petition to Increase Bond Amount filed 8/16/2013 finds the [Amended] Order for Probate is amended to show bond shall be issued in the amount of \$400,000.00.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Minute Order dated 7/19/2013 [Judge Kapetan] from the Status Hearing Re: Filing of the Inventory and Appraisal states Ms. Durost submitted amended order with bond amount to examiner in open court. Matter continued to 8/30/3013.</p> <ol style="list-style-type: none"> 1. Need Second Amended Order for Probate to be submitted for the Court's signature indicating the total bond amount of \$400,000.00. 2. Need proof of bond to be filed with the Court showing posting of \$400,000.00 bond. <p>Note: Proposed Letters submitted by Attorney Durost for issuance have been interlineated to state "Amended Letters of Administration."</p>
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> Proof of Bond	X		
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input type="checkbox"/> Aff.Mail			
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: LEG
Reviewed on: 8/21/13
Updates:
Recommendation:
File 20 – Sanchez

Status Hearing Re: Filing of the Inventory and Appraisal

		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Inventory and appraisal filed on 7/10/2013.</p>
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: KT
		Reviewed on: 8/22/2013
		Updates:
		Recommendation:
		File 21 – Goorigian

Age: 77	HEATHER AGUIRRE , daughter, was appointed Conservator of the Estate on 04/22/13. Letters of Conservatorship were issued on 04/23/13.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 052413, 070513	Order to Deposit Money into Blocked Account was filed 04/22/13.	Continued from 7/5/2013.
Aff.Sub.Wit.	Minute Order from 04/22/13 set this matter for hearing re Filing of the Acknowledgement and Receipt of Order to Deposit Money into Blocked Account.	
Verified	Status Hearing Report filed 7/3/2013 states: the conservator is currently awaiting the receipt of funds due the conservatorship, as his inheritance from the estate of his brother, Leslie MacMurray. Leslie MacMurray's estate is currently being probated in Massachusetts. It is anticipated that the check for the inheritance funds will be received within the next one to two weeks, and promptly deposited into a blocked account after which time a Receipt will be filed with the Court.	1. Need Acknowledgement and Receipt of Order to Deposit Money into Blocked Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202	Reviewed by: KT	
Order	Reviewed on: 8/21/13	
Aff. Posting	Updates:	
Status Rpt	Recommendation:	
UCCJEA	File 22A – MacMurray	
Citation		
FTB Notice		

22B